

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	<b>CASE NO. 24-30502</b>
	§	
<b>RHEA E RADFORD</b>	§	<b>(Chapter 13)</b>
	§	
<b>Debtor</b>	§	

**MOTION TO REJECT EXECUTORY CONTRACT**

**NOTICE PURSUANT TO BANKRUPTCY LOCAL RULE 9013(b)**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSLY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU.**

**IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

**THERE WILL BE A HEARING ON THIS MOTION ON MAY 1, 2024, AT 9:00 A.M. IN COURTROOM 403, 515 RUSK, HOUSTON, TEXAS 77002**

**TO THE HONORABLE JUDGE MARVIN J. ISGUR:**

COMES NOW, **RHEA E. RADFORD**, Debtor and files this Motion to Reject Executory Contract (the “Motion”) and in support thereof, the Debtor respectfully states as follows:

1. Debtor, Rhea E. Radford, commenced this case on February 5, 2024, by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code.

2. Debtor scheduled and claimed a homestead exemption on her property located at 3526 Landsdowne Ct. Pearland, Texas 77584, valued at \$382,930.00. *See Docket No. 33.*

3. Prior to filing her bankruptcy, on or about January 30, 2024, Debtor entered into an executory contract for the sale of her homestead with Cory Boren and Worldwide Holding LLC for the purchase price of \$287,000.00. *See Exhibit A.*

4. Debtor believed this was the only way to stop the pending foreclosure of her home.

5. On February 19, 2024, Debtor filed her schedules and Chapter 13 Plan. Debtor's Chapter 13 Plan provided that she were to come current with her secured creditors on her homestead and did not list the executory contract to sell her home in Paragraph 16 of the Plan. *See Docket No. 13.*

6. On February 23, 2024, the Court ordered Debtor to retain a real estate broker to list Debtor's home on the market and work diligently to sell the property.

7. On March 13, 2024, Debtor retained Gerald Womack and Womack Development & Investment Realtors as brokers to list the sale of her homestead. The listing price of the property is \$345,000.00. *See Exhibit B.* Contemporaneously with the filing of this Motion, Debtor has also filed her Application to Employ Realtor to Sell Real Property Owned by the Debtor seeking Court approval for the Employment of Gerald Womack and Womack Development & Investment Realtors.

8. Debtor estimates the secured debt on her homestead to be around \$293,000.00, with Debtor's mortgage company, the Internal Revenue Service, and Debtor's homeowner's association as secured creditors. The secured debt on Debtor's homestead exceeds the sales price under the current executory contract. Debtor believes that a sale conducted by Mr. Womack would yield a greater benefit to the bankruptcy estate than the sale under the contract Debtor seeks to reject.

9. On March 25, 2024, Debtor amended her Schedule G to explicitly reject her contract with Cory Boren and Worldwide Holding LLC. *See* Doc No. 33.

10. Debtor seeks to reject this executory contract under 11 U.S.C. §1322(7) and 11 U.S.C. §365.

WHEREFORE, PREMISES CONSIDERED, the Debtor respectfully requests entry of an order rejecting the executory contract with Cory Boren and Worldwide Holding LLC for the sale of her homestead, together with such other and further relief as is just and proper.

Respectfully Submitted  
/s/ Aaron W. McCardell Sr.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Motion to Reject Executory Contract was delivered by U.S. Mail, Postage Prepaid, facsimile, and/or electronic delivery all parties listed on the attached service list on this 25<sup>th</sup> day of March 2024.

/s/ Aaron W. McCardell Sr.  
Aaron W. McCardell Sr.